

UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

IN RE: KEVIN O. MORRISSEY
ROXANNE M. MORRISSEY

Debtors.

Bk. Case No. 17-14478 JDL
CHAPTER 13

OBJECTION TO CONFIRMATION OF PLAN

Ditech Financial LLC, hereinafter referred to as "Movant", holding a secured claim against the above named Debtors, hereby objects to Confirmation of the Debtors' proposed Plan on the following grounds:

Movant holds a secured claim secured only by a first mortgage on the Debtors' principal residence described as follows, to wit:

LOT FOUR (4), BLOCK TWO (2), REPLAT OF A PART OF KINGS PARK, AN
ADDITION TO THE TOWN OF NEWCASTLE, MCCLAIN COUNTY, OKLAHOMA,
ACCORDING TO THE RECORDED PLAT THEREOF.

PROPERTY ADDRESS: 1104 Buckingham Drive, Newcastle, OK 73065

Debtors list the arrearage owed to Movant at \$4,841.03, but the actual arrearage, as shown by the Proof of Claim to be filed by Movant, is \$6,938.04. Failure to pay the entire arrearage claim as filed would be an impermissible violation of 11 U.S.C. §1322(b)(2) and Nobelman v. American Savings Bank, 113 S. Ct. 2106 (1993).

As proposed the plan will not cure the total arrearage within a reasonable time as required by 11 U.S.C. Section 1322(b)(5).

In accordance with the Fair Debt Collection Practices Act, unless the consumer, within thirty days after receipt of this notice, disputes the validity of any portion of the debt, the debt will be assumed valid. If said consumer notifies the undersigned attorney for Plaintiff in writing within said thirty day period that any portion of the debt is disputed, said attorney will obtain

verification of the debt and/or judgment and a copy of such verification will be mailed to said consumer by the undersigned attorney for Plaintiff; and upon written request by the consumer within the thirty day period, the undersigned attorney for Plaintiff will provide the name and address of the original creditor, if different from the current creditor. This is an attempt to collect a debt and any information obtained will be used for that purpose.

The confirmation hearing is scheduled for December 14, 2017 at 8:15 AM.

WHEREFORE, Ditech Financial LLC, secured creditor herein, objects to Confirmation of the Plan as proposed by the Debtors herein, and prays the same be modified so as to comply with the requirements of Chapter 13 of Title 11 of the United States Code, and, for such other relief as the Court may deem proper.

SHAPIRO & CEJDA, LLC

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CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 11th of December, 2017, the foregoing pleading was mailed via U.S. Mail, first class, postage prepaid to the following parties, to-wit: Kevin O. Morrissey, 1104 Buckingham Drive, Newcastle, OK 73065 and Roxanne M. Morrissey, 1104 Buckingham Drive, Newcastle, OK 73065, (Debtors) and Bank of America P.O. Box 650260, Dallas, TX 75265; Discover Bank P.O. Box 30395, Salt Lake City, UT 84130; and Oklahoma Tax Commission 120 North Robinson, STE 2000, Oklahoma City, OK 73102, (Lien Holders). Further, I certify that a true and correct copy of the foregoing pleading was electronically served on the 11th of December, 2017, using the CM/ECF system to the following parties: Ryan P. DeArman, (Attorney for Debtors), John T. Hardeman, (Trustee).

s/Kirk J. Cejda
Kirk J. Cejda #12241

File No. 17-131931